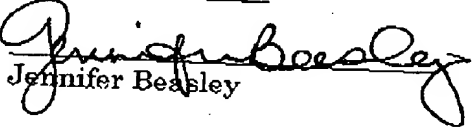


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FEB 27 2006

FACSIMILE COVER SHEET

<b>To: US Patent &amp; Trademark Off.</b> <b>FAX: 571 273 8300</b> <b>Attn: Commissioner for Patents</b>  <b>MAIL STOP:</b> <b>Appeal Brief-Patents</b>  <b>ART UNIT : 2192</b> <b>Examiner: RUTTEN, James D.</b>  <b>From: Pehr Jansson</b> <b>Reg. No. 35,759</b>	<b>Certificate of Transmission under 37 CFR 1.8</b>  I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax No.: 571 273 8300) on <u>February 27, 2006</u> .   Jennifer Beasley
<b><u>In regard to:</u></b>  Appl. No. : 09/992,558  Conf. No. : 5240  Applicant : Krishna  Filing Date : 11/14/2001 )  Docket No. : 40.0042  Customer No. : 41754	<b>THIS IS A RESPONSE TO A NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF</b>  This certificate applies to the following documents transmitted herewith: <ul style="list-style-type: none"> <li>• Certificate of Transmission/Cover Sheet (this page)</li> <li>• Notification of Non-Compliant Appeal Brief (1 page)</li> <li>• 2 Additional pages with the titles "Evidence" and "Related proceedings" which were not included with the original Appeal Brief. (2 pages)</li> <li>• Summary describing the items that were not provided under 37 CFR 41.37(c) (1 page)</li> </ul>
<b>Total number of pages including this cover page</b>	-- 5 --

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272 5703 FEB 27 2006

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

09/992,558

Applicant(s)

KRISHNA ET AL.

Examiner

J. Derek Rutten

Art Unit

2192

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address—


The Appeal Brief filed on 02 November 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

The brief does not contain an "Evidence" appendix and a "Related proceedings" appendix as required by 37 CFR 41.37 paragraphs (c)(1)(i) through (c)(1)(x).

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER

Application No. 09/992,558  
Appeal Brief Filed on November 1, 2005

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### 9. Evidence

There is no evidence submitted pursuant to 1.130, 1.131, or 1.132 or any other evidence entered by the examiner and relied upon by appellant in the appeal.

Application No. 09/992,558  
Appeal Brief Filed on November 1, 2005

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10. Related Proceedings

There are no Related Proceedings.

Summary

The Notification of Non-Compliant Appeal Brief informed stated that the brief did not contain an "Evidence" appendix and a "Related proceedings" appendix as required by 37 CFR 41.37 paragraphs (c)(1)(i) through (c)(1)(x). Per conversation with Examiner J. Derek Rutten, attached are the appendixes on separate pages with correct title and page numbers.

If you should have any questions please contact Pehr Jansson or Jennifer Beasley at 512-372-8440.